

AUG 5 2005 3:01PM

NO. 657 P. 1

# Silicon Edge Law Group LLP

Arthur J. Behiel, Patent Attorney  
6601 Koll Center Parkway, Suite 245  
Pleasanton, California 94566  
(925) 621-2113  
(925) 621-2114 (fax)

**RECEIVED**  
**CENTRAL FAX CENTER**

**AUG 05 2005**

## FAX TRANSMITTAL

TO:	Examiner Stahl	DATE:	August 5, 2005
COMPANY:	United States Patent and Trademark Office		
FAX NO.:	703-872-9306	PHONE NO.:	
FROM:	Arthur J. Behiel	NO. PAGES (INCL. COVER):	13
MATTER:	Serial No.: 10/035,829		
SUBJECT:	Docket No.: AONIP001C1 (AO-666)		

### MESSAGE:

Please see the attach status letter regarding requested correction in the filing receipt.

PLEASE NOTE: This fax transmittal and all attachments are for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender immediately and destroy all copies of the original. Thank you.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

AUG 05 2005

Applicants: Vlad J. Novotny and Parvinder Dhillon  
Assignee: Active Optical Networks Inc.  
Title: "Micro-Opto-Electro-Mechanical Switching System"  
Serial No.: 10/035,829 Filed: 10/18/2001  
Docket No.: AONIP001C1 Art Unit: 2874  
(AO-666)

---

Sent via Facsimile number 703-872-9306**STATUS LETTER REGARDING REQUESTED CORRECTION IN FILING RECEIPT**

Dear Examiner Stahl:

On June 2, 2005, we filed an Amendment under Rule 312 to fix the priority claim for the above-identified application (attached). Specifically to add the following information:

**This application is a CON of 09/981,628, filed 10/15/2001**  
Which claims benefit of 60/206,744, filed 05/24/2000  
and claims benefit of 60/241,269, filed 10/17/2000  
and claims benefit of 60,211,239, filed 06/12/2000

**Which is a CIP of 09/865,981, filed 05/24/2001**  
Which claims benefit of 60/206,744, filed 05/24/2000  
and claims benefit of 60/241,269, filed 10/17/2000

**Which is a CIP of 09/880,456, filed 06/12/2001**  
Which claims benefit of 60/211,239, filed 06/12/2000  
And is a CIP of 09/865,981, filed 05/24/2001

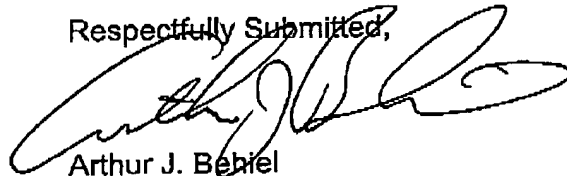
On June 16, 2005, we received an incorrect updated filing receipt. The updated filing receipt (attached) does not show application number 09/981,628 claiming benefit to the 3 provisional applications nor does it show that this application is a CIP of 09/880,456, filed 06/12/2001, which claims benefit of 60/211,239, filed 06/12/2000 and is a CIP of 09/865,981, filed 05/24/2001.

On June 23, 2005, we received a Response to Rule 312 Communication stating the amendment we filed had been considered and entered.

Please have the amendment re-entered showing the correct priority information and have a corrected filing receipt sent to my attention at your earliest convenience.

If you have any additional questions please contact me at the below listed number.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Arthur J. Behiel', is written over the typed name.

Arthur J. Behiel  
925-621-2113  
Attorney for Applicants  
Reg. No. 39,603

PTO/SB/Z1 (09-04)

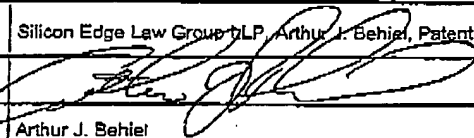
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/035,829	
	Filing Date	10/18/2001	
	First Named Inventor	Vlad J. Novotny	
	Art Unit	2874	
	Examiner Name	Stahl, Michael J.	
Total Number of Pages in This Submission	8	Attorney Docket Number	ACNIP001C1 (AO-666)

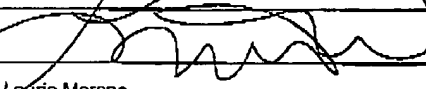
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Return Receipt Postcard
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Silicon Edge Law Group LLP, Arthur J. Behiel, Patent Attorney		
Signature			
Printed name	Arthur J. Behiel		
Date	June 2, 2005	Reg. No.	39,603

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Laurie Moreno	Date	June 2, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AUG. 5. 2005 3:03PM

NO. 657 PaP. 12,f2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/035,829	10/18/2001	2874	1311	AONIP001C1	22	68	7

Silicon Edge Law Group  
Arthur J Behiel  
6601 Koll Center Parkway  
Suite 245  
Pleasanton, CA 94566

RECEIVED  
CENTRAL FAX CENTER

AUG 05 2005

CONFIRMATION NO. 2508

CORRECTED FILING RECEIPT

\*OC000000016307875\*

\*OC000000016307875\*

Date Mailed: 06/16/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Vlad J. Novotny, Los Gatos, CA;  
Parvinder Dhillon, Fremont, CA;

**Assignment For Published Patent Application**

Active Optical Networks, Inc.

**Power of Attorney:** The patent practitioners associated with Customer Number 27946.

**Domestic Priority data as claimed by applicant**

This application is a CON of 09/981,628 10/15/2001 ABN  
which is a CON of 09/866,981 05/24/2001 PAT 6,483,962  
which claims benefit of 60/206,744 05/24/2000  
and claims benefit of 60/241,269 10/17/2000

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 02/14/2002

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is** **US10/035,829**

**Projected Publication Date:** Request for Non-Publication Acknowledged

**Non-Publication Request:** Yes

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

Title

MICRO-OPTO-ELECTRO-MECHANICAL SWITCHING SYSTEM

Preliminary Class

385

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).